

PDO/PIO Fee Study Task Force – Twelfth Meeting
Thursday, November 17, 2022

Meeting Summary

Task force members in Attendance: Helen Chapman, Erik Schoennauer, Ingrid Quigley, Bob Levy, Chris Shay, Jeannette Marsala, Caleb Cater, Peter Given, Regina, Rudy Flores, Tasha Tenturier,

Staff in Attendance: Rebekah Ross, Leo Tapia, Marybeth Bowman

Others Present: Kyle Martinez, DTA

Announcements

Rebekah Ross congratulated Peter Ortiz for being elected as Councilmember for Council District 5. She also celebrated the opening of Delano Manongs Park and the POPS. She noted it is a celebration of a public-private partnership between the City and the developer. Next, she reviewed the agenda and noted that the draft fee study will be available for the task force members to review and comment on in December. She pointed out that it is a draft document that is not public and should not be shared with the community, but the public will have an opportunity on it in the new year. Task force members will have the opportunity to review the key portions of the document and discuss last minute thoughts and questions at the December task force meeting. Comments will be needed by January. She noted that due to the diverse nature of the task force, she does not expect it to come to a full consensus, but she will make sure that everyone's voice can be heard through letters from each task force member by January that will be shared with staff, the community, Commissions and committees, and City Council.

Next Steps and future Public Meetings:

Rebekah reviewed the dates for the upcoming community meetings and asked whether additional task force meetings are needed and whether members would want one more meeting in March.

She also expressed a desire to know who is willing to stay on and who is not for the policy work. Helen Chapman, Peter Given, and Chris Shay expressed interest in staying on and noted it would be good to check-in in March to see if a consensus has been reached.

Rebekah asked whether task force members would consider bi-monthly meetings in the new year. Six members were in favor. Rebekah asked whether they would be willing to consider a smaller task force if others aren't able

to commit to meetings in January. Concerns were raised regarding reaching consensus and keeping the balance of the task force. It was suggested that questions should be posed to guide the letters from the members.

She also noted that the meetings in 2023 would likely be public meetings.

Final POPS Presentation (Leo Tapia)

Leo Tapia provided a presentation on the final draft overview of the POPS (Privately Owned Public Space) program with a new direction of the program and changes based on feedback provided by the task force. Leo reviewed the definition of a POPS and the goals of the program. He reviewed the revised development standards based on the task force's feedback and feedback from the New York City's POPS program. He reviewed the list of potential passive and active amenities. He noted the language would provide flexibility for other active and passive amenities not included on the list, subject to consideration and approval by staff. Leo provided a comparison between private recreation credits and potential POPS credits for a sample development project. He noted the two comparisons would result in comparable net parkland fees however the main difference is the POPS space would result in recreational spaces open to the public. Leo encouraged members to review the draft resolution language and to provide feedback by **December 15, 2022**.

Key Discussion Points

Overall, most members liked the new direction for the program. A few members felt that some private credits should remain albeit capped at a significantly lower level of credit than publicly accessible spaces. One member applauded the move away from prescriptive requirements, noting it would allow for creativity and diversity in the types of spaces. Others had a few comments on the draft details. Two members felt requiring a 75% minimum space dedicated to active uses is too high. One member asked whether performance areas would be considered active or passive. Another member inquired whether the program would be utilizing the Quimby Act or the Mitigation Fee Act. One member argued the clearance requirement for spaces under overhangs could make it more challenging, especially depending on the size of the program. He suggested 3 stories or 30 feet instead of saying whichever is greater. Another member questioned whether a water fountain should be required for every POPS space out of concern of making the program too prescriptive and costly. The same member encouraged a higher cap than 50% for POPS space to incentivize developers to build a POPS instead of a private amenity.

Leo Tapia noted that defining the program is challenging as there is not a lot of precedent. Most POPS in other cities are focused on supporting commercial spaces instead of more of a park-like environment. Regarding the vertical clearance, staff wanted to incentivize, balance, and compromise for allowing more challenging spaces. Leo also reiterated that the POPS program would replace the existing private recreation program and would eliminate any credits for interior spaces.

Independent Commercial Fee, CED Presentation (Rebekah Ross)

Rebekah reviewed the presentation that will be presented to the City Council's CED (Community and Economic Development) Committee. She noted that because this is a new fee it is important to discuss. She argued that the demand for parks should be shared by both residential and commercial development. She noted that they took the calculations and applied them to some existing sample projects in San Jose to see what their nonresidential fee would be. She noted that the projected calculations show the maximum allowable commercial fee, thus it could be lower. The analysis found that the commercial fee could lower the residential fee by up to 20%.

Staff wants to align the feasibility study of a commercial fee with the Housing Department's timeline and threshold. Staff will consider comments received tonight and in the letters. However, she noted this is the program that we intend to present to Council. She reiterated a need for **comments by December 15th or sooner**.

Key Discussion Points

Several members were concerned the fee rates presented could potentially kill projects, particularly in downtown. One member representing commercial development felt that the fees are very high and that most commercial projects wouldn't be able to absorb them. Another member countered that there is a nexus argument for the commercial fee and noted that the long-term goal is to build a livable city for the next generation, not just concern for profit margins. The same member questioned why the commercial fee would reduce the residential fee obligation, arguing that a commercial fee doesn't change the residential nexus. Overall, most members seemed to support the justification for a commercial fee but felt it should be appropriately scaled. A few members suggested options for building in flexibility and scale. One member asked whether staff is looking at a menu of fee calculation options. Another suggested the possibility of exploring a minimum square footage for charging a fee and providing a maximum cap for the fee as well. Another member noted that the calculation needs to consider usable square footage versus gross square footage for a park. Another noted the commercial linkage fee for affordable housing is based on scale and noted that larger projects may be able to afford a larger fee. He pointed to the commercial linkage fee as a good example for addressing the different scales of commercial development. Rebekah acknowledged the success of the commercial linkage fee but noted a strong desire for a simpler model.

Rebekah noted that the amounts shown in the presentation are the maximum allowable. City Council could adopt a lower fee rate. She explained that the commercial fee is based on daytime population and takes into account usage of parks and is adjusted for daytime population usage of employees.

Another task force member liked the idea of aligning the commercial feasibility study with the Housing feasibility study. The same member countered that parks lack budgets and the City needs to look for a revenue source to address this, particularly in areas that are already built up. Another member noted that the types of parks that employees would use are likely different from the types of parks residents use and suggested having the

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commercial fees go toward maintenance of downtown parks. Another member argued that a lot of the bigger build projects will be downtown and argued that it doesn't make sense to flood downtown with all of those funds. He noted the equity issue with the distribution of park funding and asked what neighboring municipalities are doing for commercial fees. A few members noted the existing maintenance backlog. Another asked what the cost is for the lifetime of a park. Staff responded that the City doesn't have a figure for that.

Another member asked what the baseline is. He acknowledged that the nexus of the commercial development is not what it is for a residential development. How do we determine what it should be? He voiced support for a geographical framework for spending the money. He added that we haven't built parks for commercial developments and because of that employees are putting a demand on residential parks. He proposed looking at 25% of the residential acreage requirement per employee. Rebekah noted that she likely has an answer to the question in the draft fee study.

Steps Forward for 2023

Review of Policy Issues Not Part of the Fee Study

This item was tabled for a future meeting. Rebekah Ross has pulled out a list of statements from previous meetings and will send it out to the task force for comments. She noted that it's not a complete list and task force members can continue to add to it.

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Thursday, November 17, 2022

Meeting Transcription

Notes and Disclaimer:

- Agenda items were added to the transcription for clarity.
- Disclaimer: The meeting recording was auto transcribed using a transcription service. There may be errors in the transcription.

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SUMMARY KEYWORDS

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00:07

Good evening, taskforce members. Rebekah Ross, City of San Jose Parks, Recreation and Neighborhood Services. I'm joined here tonight by Leo Tapia of the same department. And behind the scenes, we have Marybeth Bowman, who's helping out with the technical side of things. And here we are on our twelfth taskforce meeting, and that's quite an achievement. And so I'd like to say a big thank you to everybody for joining if you join late, thank you. But for those of you who've been along since day one, I'm super grateful and appreciative of you and your time that you're giving us. Next slide. I want to start the meeting by congratulating one of our task force members, we have Peter Ortiz. He is our council member elect for council district five. I think he's told me earlier today, he's going to try and be here. But now, you know, at least one person on the council is heard everything you've had to say. And so help me and join me in congratulating Peter on his recent election. Next slide. I have another announcement. So we recently opened up a new park. And that new park is surrounded by a POPS that park is Delano Manana. And it is the first park named after Filipino Americans. And it's named after people who supported... Excuse me beg your pardon. Cesar Chavez, during the grape strike, there's a whole long history about it. But it's a very exciting name. And it's a very exciting Park, I want to highlight it to this group, because it is a great example of how we can have public and private space partnership. It includes a half-acre park, which is what you see in the green and the playground. And then everything surrounding it is a POPS. And so that's all privately owned, and privately maintained, but it's publicly accessible. And there are amenities throughout surrounding the park that help enhance it. So together, we have about an acre, public recreation space that we created together with a developer, I did the agreement. Well, I recommended the agreements. And so it's very exciting to see the results of

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our work and it's located on the south side of Gimelli way, just west of Capitol Avenue. So I hope you get a chance to go out there and take a look and see what successful what works, what doesn't work. And you use that in as part of your feedback to

02:57

us. Next slide.

03:01

So tonight's agenda is pretty packed. The three main things I do want to get through for sure are number one is presentation Leo Tapia has picked up or Zach Mendes is left up, left off, to help us wrap up our thoughts on pops. And so he will walk you through that. And I emailed everybody a copy of the draft resolution that could be put forward. And we're looking for your comments on that, as well as Leo's presentation. And we hope to just wrap that up and start sharing that with the public and during community meetings in the future. Then I'm going to do originally DTA was going to do a presentation on an independent commercial standalone fee. However, family matters have pulled David aside. So I'm going to show you a presentation that I'm also going to a truncated version of a presentation I'm going to show the Community and Economic Development Committee on November 28. So it's basically the same information. And then I want to talk about steps forward. I had a lot of ideas and been thinking all day about how to engage the task force and have your voices heard. So I'm going to share my ideas with you. I want to hear if you liked that or not. I hope it's a good plan. And then if we still have time, we're going to review. I'm going to review all the things that I pulled out of the discussion about the other policy about the other part that the issues that are related to the fee study, but aren't part of the fee study. And so I want to make sure I got all the bullet points from that talk. Correct.

04:47

Next slide.

04:52

So I'm going to start I'm going to talk about the draft fee study so we are super close to being able to route that up to you. I'm into dissipating that we can send you the draft study to comment on the first week of December. That's my goal is so you can read this thing that we've been talking about for a year. And you can finally have your say about its content and your opinion on it. I want to emphasize that when they share it, it's a draft document. It's not a public document. And so it's important that you don't just like be like distributing it all over the place. Because that could lead to problems, especially if it leads, if your voice leads to changes, or something happens. So we don't want to, we want to hear the taskforce voice, the public will have their opportunity to comment on it, it's just not yet we're giving you the first bite of the apple. So when I send that just be be aware and mindful of that. Again, it will eventually become public, then and so the plan is to send it to you in the first week of December. And then during the latter the December taskforce meeting, well, we'll go through an outline of it. And we'll just go through the highlights of it. And so over the last 12 months, we've talked about many components of it. Everything is posted on the webpage. If you need to revisit any of the topics, you can go back to the webpage. And it could be like What was that, again that we talked about? Or what did

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somebody say? So you can go back to the web page as a resource, you can reach out to me with questions, you can also reach out to Leo. But the idea of the December Task Force is to just what are your last minute thoughts and questions. And then in January, here's my idea. So I don't think with a taskforce that is this diverse, that we're going to be able to reach consensus, I think that there's some things we can all agree on some things that we will never agree on. But I promised you at the start of this that your voice would be heard. And I want to make sure that your voice and your perspective is heard. You were chosen by your council member or, you know, you will volunteer to represent an industry. So it's important that you can say your full piece. So my idea is this is that, you know, we I will give a set of questions to the Taskforce. And then each person can write a letter and respond to those questions, we will post it on the webpage, so everybody can see what you've written. And they can see that diversity of voices, we'll attach it to our staff report. So that the that that's fully recorded. And then after that, if I didn't ask him my email, who's willing to stay on and 2023 I got some yeses, I got some nose, but I want to be considerate of your time and not extend the taskforce any longer. So I'm thinking that maybe one more meeting in January, if I can ask everybody, just one more meeting in January, to just wrap up everything, and then ask you if maybe we want another meeting in March, after some public meetings, and I'll circle back around to

08:08

that. Excellent. So I've

08:14

scheduled it, and I gotta go. And this is the train forward. This is the path forward. The goal is to go to Council in May have a council presentation in May. We will have a community meeting in February, we will have a community meeting in March, we will take the draft fee study to the Parks and Recreation Commission in March and then we will go back to them again in April and say what are your comments on that for the councilmember going forward? And then we'll do a full report out on the fee study to the Community and Economic Development Committee on April 24. So these are my dates that I'm committing to. And I hope that they don't change, but if they do, I'll be sure to let everybody know. So you'll see if I have your comments By January, I can share them publicly the remainder of the months leading forward, which is why I thought that that was a good idea.

09:11

Next slide. So

09:16

I'm gonna open it up now do we need more taskforce meetings? Do you like my idea with the letter? Do you think that everybody could wrap up everything and have a letter to us by January? And do you want to meet again in March? And Mary Beth Can you call on? I'm still having zoom issues? Mary Beth so could you call on hands and help unmute, please?

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Sure. I see any hands Yeah. If there's silence,

09:51

not seeing any hands. Yeah,

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I wait. I

09:53

do see him. Sorry. I see Bob Levy. And

09:58

yeah, a question. Turn on, you know, what's going to be introduced tonight, which is the non residential fee. My assumption is that could take a couple of meetings. And with that potentially moot, you know, go into the December meeting, as well. And then we won't see the draft until end of December potentially. I mean, I, it sounds it sounds relatively aggressive to get through the that other piece of the fee study as well, in the timeline I'm hearing. Okay.

10:34

Well, let's see how it goes tonight. And we can revisit at the end of the meeting, but I hear you and so let's go to Regina.

10:42

Yeah, I have a

10:44

clarification question. When it says each task force submits a letter, do you mean each task force member like we will each submit a letter? Because I heard you saying like,

10:57

yes, each task force members, so you're a task force member. So on behalf of affordable housing advocacy, you would say I represent affordable housing. And as that task force member, here is my perspective on the fee study,

11:12

that's helpful. And then. And then in terms of additional taskforce meetings, once it gets rolling into the public meetings in January, and it becomes public, is your idea or concept of meeting in January, to kind of be able to come to us and update us on the progress or see how you can garner support from us because it's, you know, public, and now it's just about sort of working in and and leveraging relationships with counsel and things like that. So what would be the role of the taskforce in those 2023 meetings?

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11:59

Right. So I, I think that you know, you need an opportunity to be able to review the draft document. And then you need an opportunity to be able to ask questions and talk it out. And then in January, you know, if the taskforce would like to have a collective voice and say, This is our recommendation, we could certainly move forward that way. My, and I'd be happy to have that I not, I'm just concerned. I'm not concerned, I just want to make sure that everybody's voices heard, and that everybody has an opportunity and a venue to have their voice be heard. And we can come together collectively as a task force. And we can say 60% of the task force said this, and 30% said that, but still, yeah, I'm just trying to elevate everybody's voice. And then going forward in January, with the policy work. And I mean, there's always work to be done in Parks and Rec. And we're always looking for people to help support staff and guide staff. And so there's, there's, it's good to know who's willing to stay on, should we need additional meetings? And who's willing not to stay on? So and I guess that's kind of why I'm asking the taskforce members of people think that my approach would work. Or no, let's keep the taskforce going. And we can check in after each meeting to process what was happened at that meeting. And of course, taskforce members can attend the meetings.

13:39

Hellen Chapman has a question.

13:45

Thank you. I just wanted to it looks, it does look like a pretty aggressive timeline, but I'm willing to commit to stay on as long as possible. And I'm looking at the so there's a public committee meeting on the ninth and that goes to Piercey March 1. So I think there's probably would want to have some kind of check in by the taskforce at least, to review what the public comments are, you know, because it is a way of, you know, checking in, are we going in the right direction? Is the public brought up something or is there something that we need to incorporate before we do go fully to council? Because it would be nice to have at least, I don't know, unit Unified is probably a good word, you know, collect a collective voice. How about that a collective voice when we go to council with some sort of a letter of recommendation that incorporates all the public input? Peter?

14:38

Good evening. Yeah, I think it really depends. Significantly on the overall your objective of our deliverable. And kind of to Helen's point, I think that reviewing public comment would be really important. If you are really hoping to have some form of consensus But I agree with you, Rebekah. But I think having a true consensus from the group's probably going to be a little tricky. And so I in that vein, I think a letter is is great. I think it's useful. But if there is supposed to be if the end deliverable is, you know, a year plus worth of meetings, and the whole group is sending forth this recommendation, then I think it could probably take a little more time. I'm happy to participate in more just to throw that in there. But I think it depends on what you really want out of it. Because if you if it is, if our our overall question is not as important, then I think the letter thing suffices. But if you really need the momentum of this group to unite and suggest something, then I think it's well different. Che has a question next. Yeah,

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I'm in full agreement with Helen. And that timeline, sounds perfect, be able to get us back together, we have the public comment, we can see what consensus we have, we might have two, two opinions, we might end up with a majority minority opinion. But that would be certainly better than seven 810 10 Different, different opinions. But I think that Helen suggestion is a great one for getting us together. And I support your 2023 plan. Rebekah, that makes a lot of sense.

16:23

Thank you. Any more comments, questions? Go back to the timeline, please, Lea. So what else could

16:36

I understand if people can't make the commitment after December? But for those who can What if we met in January and then again in March and the beginning of May three more meetings are bi monthly and as needed, but would buy in monthly work for everyone, I'm just trying to be more want to make sure because I need to be able to collect comments and do all that work as well and then be able to, but bi monthly work for everyone in the new year, just as a check in after some of these public meetings. If there's an agreement, if you're in agreement of maybe meeting and bimonthly in the new year, you can electronically raise your hand just to get an indicator

17:20

123456. About half, half after wheeling. How would people feel if

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I'm not sure I can feel vacancies? That's another concern. It takes a little while to talk to people and get them on board. And you know, I can't guarantee that anybody's going to commit their time. How what are people's thoughts on if some people step out and we have vacancies but we continue the meeting without having seats filled?

18:11

Not sorry, I wasn't called on. But I think that's hard if you're really trying to reach consensus, and people have to drop and it loses the integrity of the exercise.

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That's part of my concern. Yeah. Yeah.

18:24

Bob.

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It's sort of a double edged sword because it's too late to bring people on that haven't had any haven't gone through the year worth of meetings and information, everything else that's too late to bring additional people on. But I think it is important that we have time to review the public comment, and time to review the other portion of the fee schedule that you're going to start tonight. So I think it may actually be necessary to have a couple more meetings.

19:08

Um, yeah,

19:12

I mean, I guess my other thought is, is that going forward after January, everything would be a public meeting. So people who still have capacity to participate still can participate in the public process. And maybe that would help. And they can identify themselves as a taskforce member as they participate.

19:37

Would that alleviate? Jeanette?

19:41

Well, I just have a question. I mean, so I, I agree that it's important that we continue and it's, it'd be best if all of us were able to continue. But I mean, we already will have in January, we're each drafting our letters will have a, you know, a final version that we're presenting to the community Ready for comment? And I recognize that the public comment may change and adjust some of the proposals. But I mean, I think that it just comes down to we do the best we can at that point, you know, I almost feel like it's, it's really just making it as perfect as we can, you know, given our limitations, but I feel like, once we get a draft out there, where the majority of the work really, hopefully, hopefully will be done.

20:33

Yeah, and that was kind of my take on and I've been putting a lot of thought into this a lot, a lot, a lot of thought into this. And so I thought, well, maybe this is the best this is the balance is, you know, everybody has their letter in January. And you know, we have one, one or two more check in meetings, before Council. And I would like to do an informal in person celebratory. Just get together informally. event, but that's offline. But I, you know, that's not part of this. But I do want to do that. So I don't want you to feel like I not acknowledging your, or thanking you, because I do want to thank you. So, Peter.

21:21

Thanks. Just the one other thought to, from the letter perspective, if it's helpful, Rebekah, because I mean, Chris, and Helen alluded to it also, I mean, you want the crime, the data to be level, right. And so if everyone's writing their own letters, it's pretty hard for you to make useful to dissect that and know how to use everybody's voice. So if there, this also is a double edged sword. But if you could pose specific questions that can be accompanied with a letter, yeah, maybe maybe that would provide a little bit of apples to apples, you know, this is the voice of the, the overall voice of the group, I can't

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remember what we call ourselves Taskforce. So maybe that would help. Because otherwise, if you get a bunch of disparate letters, it's probably you're probably gonna want to pull your hair out, cuz you're not gonna know how to synthesize that information into something you can actually use. Other than, like, bead for record, so

22:20

absolutely, I can absolutely do that. I think that's, I was thinking along the same lines. I think that's great. So say we have an acronym.

22:39

Okay, so, ah, um, I think I'm just gonna, you know, if anybody has concerns about

22:50

how I will write questions for everybody to answer. So everybody would have the same things, everybody can see the spread, we'll stick to the plan to because we can just do the best we can, as Jeanette says, you know, I wish it was a perfect world. And I can make all things happen. But I just feel very challenged. And I do want to meet this timeline, because you know, it's been a long time. And I do need to move this forward. So assuming it stays on this timeline, we'll stick with the January one more January meeting. And I'll have everybody's letter by then. So people who are still in December can write their letter by January. So the people who are participating have their voices going heard. Hopefully, they'll be able to join a check in meeting in March and maybe me to more check in meetings before council. So I'll check in with the people who said that they couldn't continue to see it that's open and if not have somebody in their place. And we'll move forward with that. But if anybody has any serious heartburn with that, please contact me. And we can talk about

23:57

hey, I Tasha.

24:01

Rebekah, can you hear me? I can. Sorry that I joined late. Okay, good. Sorry. I joined late. Oh, how's her the questions for the letter? Different from the polling that we did, I think probably about three months ago. We didn't get them maybe it was

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we didn't get 100% participation in those polls.

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So

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and then I think the polls were helpful to guide staff work going forward. But we didn't get 100% participation. And I think this is the only way that people could

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really make sure that they they have their voice Hello,

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sorry. Okay. Okay. Thank you.

25:00

but I'm having some issues. That means you may be frozen.

25:06

Oh, no, I'm still stuck in traffic. So I'm trying to find a button to press Sorry.

25:12

Okay, it will be safe. All right. Any last minute thoughts on that? We went twice. Alright, let's go into the next topic close this one and open the commercial one please. All right,

26:02

so this is a truncated version of what I will show to the Community and Economic Development Committee in November on November 28, they sent you all the information in an email, we talked with DTA did a presentation in August that talked about if we had a commercial non residential fee component of our purchase fees and how that would lower the residential fee. And then it would create a what would have non residential development pay their fair share for our parks usage. And so, but we didn't talk about what it means, you know, if it's not a mixed use project, and what it would happen, what would happen for commercial development, if it just stands by itself and what that means for standalone commercial. So I think that that was important to talk about. So here is a presentation about that. The city's general plan as identified existing plan jobs, and daytime uses and planned jobs and daytime uses, and we haven't been moving forward or getting a lot of commercial development coming forward. But we are planning for an additional 382,000 jobs by 20 2040. So we until our general plan changes, we'll still work towards that goal. And the idea is that people who come in to San Jose either for work or travel, they use our park systems as well. And so the the, the the impact to our systems and the the the the the the demand that is created for these systems should be shared equally between residential and non residential development. Next slide.

27:48

So we looked at

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we looked at different fee scenarios. So one of the challenges

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with we just skipped.

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So we looked at different few scenarios based on some numbers that we had to in September and October. And we're still refining all those numbers for that first draft fee studying. And then we took those numbers that are, you know, at that time, and we applied them to some sample projects. And we came up with what different fee amounts would be charged to for different types of projects that are moving forward in San Jose. So one is a hotel in downtown one is the Apple campus in North San Jose. What is the Adobe tower that just went up? And then there's a recently approved mixed use project Cambrian Park Plaza. So if we apply just to the standalone non residential portion of those projects, and most of them are, except for Cambrian Park Plaza, what would their non residential Phoebe and so you can see there are some large numbers here, and there's some reasonable numbers here. And you can see what the fee spread is, you know, if we had a citywide fee, we've talked about that and what the fee would be if it was based on area for the development fee framework areas. And so this would be this is the reality, this would be the maximum. Yeah, gets asking in the chat, because the fee have to be based on square footage. Yes. So per new state law, we do have to have the fee calculated on square footage. And so this is this is the number that would come up. This is so what I was trying to say is that this is the maximum that the fee study has shown a legal Nexus a legal reasoning for, it doesn't mean that this is what the city council has to adopt or would want to adopt. But going forward, if nothing else changes this is what that fee would look like.

29:53

Next slide.

29:58

But if we did that If the non residential would be

30:05

impacted by that fee,

30:07

they would be responsible, but it would lower the fee for the residential portion of projects. And so back in August, we talked about it. And so right now we're looking at, it would potentially lower the residential fee by 20%. And when you read the fee study, you'll be able to see those numbers and see that justification and say like, well, if you have a non residential fee, look, it really lowers your residential fee. So we've been we're doing additional analysis. And so part of the reason we didn't meet in October, because we were, we're doing a lot of work behind the scenes to get be able to get you a draft fee study as soon as possible. And we have every intent of offering credits towards a parks fee for non residential, just like residential yet, so if there'll be power wanted to build, give us a pops, they would

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get the same credit as a residential project. Next slide. So we want to study the feasibility of this. Back in March, housing department was before the city council, some of you were there. And they were talking about the existing housing, commercial linkage fee. And they had been given Council direction to do a new feasibility analysis to see what the commercial linkage fee for affordable housing, how that can be adjusted to support more affordable housing, or less, or whatever, to make adjustments. And after a long discussion by council, it was decided that, you know, the market right now just doesn't support any additional, you know, considerations. And so, the council said to the housing department, wait to study, you know, any more feasibility about your commercial linkage fee. Until you know, later in 2023, or when a threshold of more than one new downtown commercial project greater than 100,000 square feet is built. So we were there, I heard it, I listened. I hear this. I'm part of these conversations. And so we want to align our feasibility study with housings feasibility study under either that same timeline, or that same threshold.

32:27

Next slide. Sign it.

32:31

And now we can open it up for discussion. And Kyle Martinez for details here. She can help out answer some of the more technical questions. As I said, David was pulled away for a family circumstance. So he apologizes for not being here, Eric.

32:53

I don't know who these consultants are. But they clearly didn't get an A in economics 101 When you're a city that only has point eight, two jobs per employed residents. And the number one goal of the city is getting more jobs, more tax space. You don't tell Apple Computer. We want to charge you \$28 million dollars in parks fees for the privilege of building in North San Jose. I mean, it's the most asinine and stupid concept I've ever heard. So I hope the council will shell the whole thing.

33:32

Thank you, Bob.

33:36

Sir, I want to take the opposite perspective. Eric, there is a clear nexus between residential or commercial use and parkland. I have spent many of my lunch hours at parks or playing games with my friends after work. There's clearly a Nexus if we don't charge for it, we fall fall farther and farther behind with every single development. So in your comment on there about reducing the residential fee as a result of this fee, I'm very confused with they're both have separate nexuses. There's a Nexus associated with the demand caused by the residential development. There's a Nexus caused by the demand resulting from the commercial development. Both of these should be accommodated for. I mean, our long term goal is to build a livable city. And a livable city doesn't mean let's just worry about our quarterly return returns and profit margins is building a livable city for the long term. And so I tend to

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take a very different perspective than Eric, in that we need to charge for that nexus or the demand that's being caused as a result of the development so Um, another question for you, Rebekah. Is this in the scope of this group? Or are we supposed to be just looking at the residential design, I was hoping we were gonna be looking at the commercial as well. And I would like to make sure we allocate adequate time to that. It is

35:20

in the scope of this group. And it will be part of the draft study that you review and comment on. Yeah, and the Nexus, they they discuss the nexus between the residential as well as the commercial. So the legal part is definitely in there. Let's go with Helen Chapman.

35:44

Muted muted, Helen.

35:47

Thank you. I like the idea of aligning the housing visibility with the park usability because there's no point bringing them to different point in time, you'll just confuse counsel and I think it's appropriate to bring it back. At the same time, he might as well talk about the whole the whole shebang. I'm condemned to counter Eric, I'm going to give you a real life scenario. I had my capital parks team meeting today for district two. And I can tell you what the park fees are for District Two for next year going forward. We have a whole budget of Are you ready

36:20

300k. So

36:25

my job is to look at palmiet Park that needs \$2.5 million in renovations because it's broken, it's you know, was built in 1997. And I have to tell constituents that I have no money to fix it. So that is the that is the push and pull that we have to deal with is there's no budget to repair. So we have to look at a revenue source. And it would be irresponsible of us not to make a recommendation looking at a revenue source that is going to assist those constituents that we're going to get repairs in the park. And that's an area if you're familiar, and I know dinette is a familiar Camilla. It's built. There's no unless you tear down and rebuild it. Where is the new development going to come from right to get those Nexus fees so that I can make the repairs? That is that is the real situation that we have to deal with.

37:25

Thank you, Helen. Peter, given a reminder, Peter is are Task Force member that represents commercial development?

37:36

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Do you do you mind pulling that slide back up actually, with the calculation that I just want to clarify the difference? You are reflecting here between the city wide fee and the development fee framework area fee? Can you clarify that again? Real quickly?

37:54

Yeah, so we're remember we're considering two different approach new approaches.

37:59

So this is the city wide. Okay. Okay. So these are, these are specific to just yeah, these are specific to just the the park fees proposed, though the values that you're reflecting here for total fee. So okay, so I mean, I don't disagree with Helens comments that there, it's appropriate to consider commercial impact and commercial usage in adjacent areas. I think that's reasonable. And I think the likes of Apple or others would, as they already do, you know, wants to give back to the community and foster a vibrant community. But the fee calculations that are being represented here are way, way, way out. I mean, there's these are really high numbers, that in the scheme of an overall project, I mean, this would dwarf the other associated city fees. So I'd be curious how other city departments have viewed this. Because if all of a sudden, you know, whichever division of the city sees the parks getting \$20 million, like, they're gonna want more to know, I, I just think that it's a reasonable source to look at. But I don't think these numbers are anywhere near reasonable. And I do think they would definitely impact future development.

39:26

When my man was taking notes,

39:31

Peter, what would you think would be reasonable? So sorry to jump in, but I just wanted to throw that in there. Well,

39:37

that's what I tried to allude to in the very beginning when we started is, you know, there's a huge chunk of different fees that we all end up paying. So if you're looking at it on a square foot basis, I mean, I need to think about it a little bit and compare it to some of the other fees that are being paid, but that's why I kind of want to understand what we're seeing here a little But But obviously, like, the Adobe project, I worked on that project, I there's no way we could have been able to absorb something like this in our in our project, just no way. So and our city fees were not that high. So I don't know, pretty.

40:21

Yeah, so I'm going to jump in here. And then I'll call on Jeanette and Chris, and then back to air. But, um, so with that, I just put a little history of the housing commercial linkage fee. So, as a reminder, this is a maximum. And I reckon I recognize these are high numbers. I think anybody who can read can see these are high numbers. So it doesn't mean that this is what the city council would cook would adopt or

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support or that it's absorbable. So the only way we can say, oh, what's absorbable? You know, it's kind of an unfair question a Peter is to have that feasibility study. So housings commercial linkage fee did do a feasibility study, and they had a maximum number per square foot in their, their report their original report, too. But then after lengthy Council discussion, they landed at the numbers that they're at today that they charge, which is substantially lower than what their Nexus study said was their maximum allowable. So going forward? You know, once we have that feasibility study, we can say, well, this is how it would affect a project performer. And you know, and then they could start pulling levers up and down to see where they're comfortable. You know, the comfort level is if there's comfort level. So just a little bit of the process going forward. I don't have that number either. And so I don't, you know, I'm very transparent. Anybody who's worked with me knows I'm pretty upfront. So I'm pretty good at disclosing things. So I'm just disclosing what we have found. We're not making a recommendation that this is what we should go forward with. We might I doubt it, especially in this market. But you know, I that's not my call 100%. I have influenced but it's not my call. And I think there's still steps forward what staff recommendation would be. And again, it goes back to the taskforce, you are our advisory board. And I am here to listen to you. And so that's why I'm taking notes. I'm bringing it up today, because I do recognize everything that everybody say. So let's go to Jeanette.

42:37

Well, to go to Eric's point, I think is a point well taken, you know, especially when we do want to encourage more commercial development in San Jose, and not necessarily just residential, that we do have to be aware that these fees could descend advise against people developing in San Jose may decided to develop in some of our neighboring cities instead that don't have these fees. That being said, I agree with Bob's point and that there is a Nexus and I do think assessing a fee is reasonable. Because commercial development does have a you know, there is a nexus between them. And using some parks now, I don't think is the Nexus as strong as it is with residential, I think that the has to be substantially less than it would be if it was residential. And one of the reasons like I was questioning whether it has to be based on square footage, because obviously, you have different types of development here. I think that like, you know, if you had it, we don't have a manufacturing building on there. But for instance, if we had a commercial building that was primarily manufacturing, that's gonna be a lot of square footage, there's primarily equipment. For me, if we're basing a PA commercial, and I own almost would rather see it be based on employees or capacity, you know, what's the actual use that their people are using that building for? Because they're not living there, right, we have employees going in there, you know, in and out and capacity and usage may change. But also depending upon the type of development, the the link, the linkage, and what the demand might be to parks would also change as well. And this is kind of the area where I think assessing a fee for commercial development, I think would be more complex, like I almost would like to see almost a fee schedule. If it's this type of development, then there's this fee. If we're basing it on square footage, it has to be substantially less than what is here. I think it it's used to be supplement and to Helen's point as much as I would love unless we adopt this to be wide feed. I don't see the commercial fee is being a source of revenue to helping our parks in our residential areas. I see this is really like you if you look at where these commercial developments are happening they're happening in North San Jose they're happening downtown you know if it's downtown I love to see it, you know improve upon the crew exceeding the

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river, Guadalupe River downtown, right and really, you know, use of money in that area and really develop and make that a source even for people like myself, like, I go downtown, I don't go downtown. Right. But if you were to spend some money in there and really focus and make it an attraction, then maybe people like myself would would change and start to go downtown, as well. And that's where I think the the linkage and the commercial views can really make an impact. But, you know, to Eric's point, you know, and what, you know, Peter had said, it needs to be substantially less this. This is way too high, I think, for commercial linkage fee.

45:41

Yeah, let me share something really fast. So I didn't share some of the behind the scenes cabinet fee was calculated. This is from a draft staff report. This is probably the seat for what's going to the staff report I wrote for the November 28, three and Economic Development Committee meeting. Am I there? Hello. Hello,

46:13

we hear you. We can say

46:16

I'm getting

46:19

technical difficulty. We can see if I hear you, you're muted. But

46:36

how about that? Can you see my screen? Yeah, so the fee for commercial is based off of the time population. And so we did take into account usage. And I'm going to stop sharing.

47:02

My cell here. Just so you know that

47:13

the fee does take into account usage of parks. And that is adjusted for those daytime population uses. So it's suggested for people who are working and so that you have an hour before work an hour during lunch, hour after work. People who live in San Jose, but don't work, and they can use the park all day, and then people who live in San Jose and work and can also use the park on a limited scale. So those numbers are going to be disclosed more in the draft fee study, which I'm going to send to you very, very soon. I just couldn't do it. Yeah, it's but just so you know, it is based off of the impact. And so there there's the it does show that legal nexus between the time population and the need for the fee. So um, Eric's already had the chance to, I think it's Shane. Next. Sorry, is that? Yeah, speak, well consulted Bob. So I'm gonna go to Chris, then Regina, and then Caleb. And then people who have already spoken will have a chance to speak

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48:17

super fast. I just want to be able to support what Jeanette was saying regarding the size and scale of that. In relation to downtown, I was just doing some quick numbers on Adobe tower, if that's a \$650 million project, making this up, because I'm just doing some calculations based on square footage. That'd be 6% of the total project put towards this particular fee. Those are the kinds of numbers that will kill projects, they will kill projects downtown, we are very interested for those that are not in the know, we're very interested in Jay Paul continuing their work they putting up against the new tower down there, we're interested in them doing city view, if you showed up with a 6% addition to a total project count count, it would be double that be \$80 million. And those are the type of numbers that will kill projects that will kill jobs. So we really have to be careful about balancing these these numbers. I know parks are important, we're all here to be able to support parks. But if they don't build those are \$0 they go to parks not you know not not the kind of numbers 40 to 60 80 million. So I would be very cautious in putting together numbers of that sort because that will kill development. Lex

49:23

Thank you, Chris. Regina. Yeah, I

49:27

was just watching. It was talking, thinking about how it really is different. The type of parks that you would use as commercial development folks who work in the city and so versus residential. And I was thinking that you you do kind of want to create and incentivize. Bigger like shared parks in a downtown area versus in residential areas creating newer parks throughout that are accessible to various neighborhoods. And so I remember the discussion, from the last meeting about how these fees go generally towards new construction of parks in that maintenance. And I was just thinking how it used to genets point, if the commercial fees could go towards maintenance of the of the existing park structure, downtown that would be really impactful in terms of creating a downtown area to continue to attract these, you know, corporations who want to build downtown and be downtown and have their workforce downtown. And so you know, how can we think about this fee as not just generating revenue, but creating a city where more companies want to be and locate their workforce? And so thinking about the fee and how it's used differently than how it's used in the residential areas. So because I, you know, I think of like New York and Central Park, and just the fact that you want, like the level of maintenance of, of the amenities, and shared amenities, not necessarily like more private, safe, and all the things we talked about last time, we talked about the residential amenities, the the folks who are using it, how they're using it, when it comes to the folks in the office spaces is different. So that was just one thought I wanted to share.

51:44

Thank you, Regina. I think I can handle it.

51:48

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Yeah, I'll chime in real quick, I think. I generally agree with what most folks are saying, I think that it makes a lot of sense to have a commercial fee. In conjunction with residential fee, I think that it does need to be right sizes a little bit as folks have alluded to, I also really agree with what Regina was saying on. I think centralizing parks in dense areas is really important. And also maintaining and enhancing them, especially because land is a resource is very scarce in those areas. So it becomes harder to sort of allocate the appropriate resources needed to create a new park. And then also, I want to echo what Peter said, in the chat of usable space versus gross space is very different calculation. If you're calculating the parks fee on parking, it goes through the roof. And as folks have said, projects just won't pencil anymore. So I think taking some of those metrics into account will be more effective. I think using a net effective number usable number is is something to keep in mind. Then lastly, this kind of alludes into the Pops, resolution and maybe a little bit early. But I think there should be incentive, maybe even greater incentive for folks to do a Pop's program to get greater fee reduction, rather than matching what it would be on a private scale just because the developer will be maintaining it for a long time. So it should theoretically be more valuable for the city. And when I think about Google, in downtown West, they're going to create some phenomenal open public spaces. And I think giving them the ability to maybe not the best example because they have a large balance sheet. But I think allowing developers and folks to build out those projects for the public where they maintain should be valuable for the city and the city should acknowledge that and potentially produce the fees even more. Maybe there's a scale question there. But that was just my my initial take.

54:05

Taking notes. Thank you.

54:07

I think Bob was next. Oh,

54:10

well, I I think Eric was first and then. Well, Bob, you you both spoke. Great.

54:16

Eric has to have had it before me. Yeah.

54:20

I just wanted to, to clarify, Peter and Jeanette are more diplomatic than I were was. But the point is, sure, a reasonable fee on commercial development for parks can make sense, but it has to be reasonable. And what's being put up on the screen is so out of whack. It is untenable and infeasible. And so it won't work. And so I think the consultant and staff really need to rethink their approach. Because you keep putting forth these astronomical numbers, and then you roll it back, Rebekah by saying, well, this isn't necessarily what the city will do. But when you put out a number like this, it really discredits the entire process. So it just seems like, there should be more focus on trying to right size, all

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of these numbers on the residential, and the commercial side and stop launching charts that have numbers that will never, ever, ever work in the real world of development economics.

55:41

Just for a moment, I take some notes

55:51

and I passed economics 101. I failed organic chemistry. So don't ask me. Don't ask me any questions about organic chemistry? I can't, I can't answer it.

56:08

Hi, Paula Newton, thank you. But

56:14

oh, somebody asked me to speak,

56:18

say Tasha, Tasha was willing to so Tasha could not next,

56:23

because she hasn't spoken yet. So I can click and hold on.

56:27

Tight and.

56:29

Okay. Hi. So I, you know, I don't know how much how much those towers cost. But I, I'm pretty sure those buildings are probably more than 500 or 600 Square dollars per square foot. So I don't know, if it's astronomical, I don't have to understand what the cost of a new building is. And to determine the percentage of that fee. Also, I think that's what we're trying to do, we're throwing a number there, and then we're trying to negotiate this number. So I think that's part of the exercise. I also want to consider that we're doing this for one building, but we have to consider within a radius how many other businesses are surrounding the park or the parks that we're trying to fund. And just like anything else, things aren't funded in a one time shot. They these companies they do they do cash flow plans, and some of these loans are over covered commercial loans work, but it's just not a one time shot. So it seems I feel like it may seem like a huge number to us, when in reality what, you know, what escalation all the, you know, rising costs? I don't know. But it may not be completely unreasonable. We have to think of what it costs to build a building now today. And so if it, if it costs bill, I think on the spreadsheet, if I looked at it, it looks like I saw gosh, do you muted

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yourself?

58:06

Sorry, thank you. But I'm not sure where I left off. But you think about the cost per square foot for a home, versus the cost per square foot for commercial building. And then you're looking at the I think this spreadsheet, thank you for the spreadsheet. Um, if I was reading it right at the applicable see Wi Fi, the Wi Fi, I'm looking at the fee, the highest fee on here is \$22 per square feet. Yeah, if you have a large square foot building, commercial building, yeah, that number is gonna seem high. But then you got to consider well, how much is it to build that building per, you know, how much does it cost per square foot to build that building? So I think before we start jumping on and think it's too high, we need to consider is that a billion dollar building? I mean, there's a few buildings or buildings to the barrier right now. So I was trying to see if I could find the costs online, but I couldn't find anything relative to the construction costs for the Adobe towers. But I think we should just pause and not not get so excited and jump to conclusions. I mean, this is part of this exercise to kind of figure out what that number should be. And then also consider that okay, maybe if we do think is high, this is just for one new development, but we got to consider all all the other surrounding buildings that would be benefiting from this park and how far will that \$29 million you know if it was 29 million Am I reading that right? Call along with heartfelt will that take us because it's that fee ideally for the lifetime of the park which Rebekah we decided that we figured how long apart typically lasts we're gonna maintenance? Is it like a 30 year lifetime? I mean, how do we talk about how we how that was figured in

59:58

the lifetime of a park no Oh, no, we haven't. But that's, that's a great question. But no, I actually have not discussed at that specific angle in this group. But I can say that, you know, for the cost of improvements, we did decide to go with 2 million acres. So to build a new park that we would do a baseline of 2 million an acre. Which, you know, gives you first standard Park.

1:00:29

Okay. Yeah. Cuz I just wouldn't expect, you know, I wouldn't think that, yeah, you're building a new development and trying to figure out how much you're going to apply to the new development. But at some point, what are we doing about the rest of development, there are not new, it's not new construction. But we'll eventually benefit from the park as well. So I don't know that those were my thoughts, I want to just air that out loud. That 29 million may seem a big number to us, I mean, at least to me and layman person, right. That it might be a spectacle to some of these corporations when they build their new buildings. So food for thought, that's all I have.

1:01:08

Thank you, Tasha. Rudy is hasn't spoken yet. He wrote his wrist. He's just

1:01:17

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thank you. It's been interesting to listen to this. And I apologize for coming in late. I actually have a class that I don't get out of till six. And I have to drive there from San Jose State to here. But I do think there are a couple of concerns that I have. And, and I know, we discussed this in some earlier meetings, and this has to do with the Nexus. I mean, I think a lot of the majority of our, our bigger build projects are going to be downtown. And, you know, the the kind of numbers on here, I mean, just to flood all that downtown, it almost doesn't make sense to, to concentrate that much in one area. I mean, you know, a big part of the problem that we addressed early on in our meetings was the unequal distribution of some of these funds. So that was just a thought that I had is that that's something that we should reflect on what this might be. And then the second piece, and this goes, you know, as much as I love, the utility that parks provide, and I'm a big believer in that, we do have to look at this stuff competitively. And this, this kind of goes to Eric's point. I mean, if if we have, you know, what, what our neighboring, you know, what, Santa Clara doing what, you know, what are some of these neighboring municipalities doing? And how do we stack up against that in any set of numbers? I mean, I think I do think some of these numbers kind of seem shockingly high. \$29 million. And one thing, and I think Eric said, 6%, it is enough to dissuade somebody, and they can easily go somewhere else. But whatever those numbers are, we need to understand what how does that compare? I mean, how does that make us competitive or not? And I think it's something for all of us to to, we need to see it. So so those are, those are my two just right off the top of my head coming in late. Thoughts is one that unequal distribution of the Nexus and then this, you know, how does this stuff compare competitively? You know, how are we going to maintain our San Jose edge?

1:03:26

Thank you. One moment. I'm Bob, it's fine.

1:03:32

Yay. There's a lot of really good discussion here. And one of the things that I'm interested in is sort of what is what is the baseline, we we understand that the nexus for commercial development is, you know, 20 25%, of what a residential would be per person. It's not the same, it's far lower. But we don't have that baseline. It's not like within the general plan, we have three 3.5 acres per 1000 people. We don't have we don't know how to identify what these numbers should be. Because we don't have that baseline number. Do we have point five acres per 1000? Employees? How do we decide what to do? And as far as Nexus is concerned, I do like the geographical, you know, framework and not the city wide because it needs the development, where the where the demand is. And, and and you know, as far as competitiveness, and whether we should be doing this because we want to make sure we build the buildings. Again, we're looking at the long term, not the short term, we should be building a livable city, even if it's going to cost us a little more losing a few jobs upfront. Because the goal is really to build this for the next generation, not for the next quarter. And we really need to focus on that. When I work at a company, or whatever, I go out at lunch and use the fields, the, you know, the trail field, the picnic benches, whatever the case may be. I'm using the parks that's there. And so I'm, I'm playing demand on the residential property Park, because the only parks we have now are residential parks, we don't build parks for commercial development. So every single new employee you have is putting demand on the residential property, residential parks. So, you know, I think that something I brought up early in

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tonight's discussion is I didn't think we were gonna get through this discussion tonight. And it's probably something we need to continue on, potentially. Because, again, we don't have the baseline, do we want do we need to have something in the general plan that says point five acres per employee, or something of that nature? So that we can look at these numbers realistically, and, and discuss them? So, you know, I think we have, you know, there's still a ways to go before we can come to any type of consensus as a group, because we, we don't have the base knowledge we need at this point in time.

1:06:19

Just one moment. Thank you. Just taking some notes one second.

1:06:27

Can you clarify it? So you see, so to me like this is the baseline? So when you say we don't have the baseline? What do you mean by that?

1:06:34

What I'm saying is within the within the general plan, currently, when you're looking at the residential development, you have three to 3.5 acres per 1000 people, right, depending on which number you use, but they're both in there. And but here, we don't have, we don't really understand what the city has decided what that next assess. You're saying it should be based on square footage. And a number of people said, well, square footage doesn't necessarily relate to the demand.

1:07:04

We jump in really fast. So I think again, once so once my memo is published, I think it's Friday, when you read the memo that I wrote that is associated, that's going to the Community and Economic Development Committee, it shows that breadth background of employees, and then how we calculate the fee and then how that's converted to square footage. So I think I hear your question. And I haven't answered coming just hasn't been published yet. And I probably should have put more in this presentation. And so I think my intent to not confuse people with too many technical details failed. So I'm regretting I didn't put more in there. So I apologize for that. That's probably

1:07:48

your this is just enough to finish at a moment. Early, it's just not the scam people. The thing is, we really are coming from behind, we're already parked deficient. And there's no Parkland for any commercial development at this point in time anywhere in the city. And so we're, you know, when that we can't catch up, because well, we're never allowed to catch up because of exes doesn't allow for that. So all we could do is tread water. And if we don't plan for the future, we're just going to keep getting farther and farther behind. As far as building livable city is concerned.

1:08:23

Thank you back.

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1:08:26

Yeah, I'm trying to I can, I'll keep it short. I think one thing that comes to mind is if you're familiar with the commercial linkage fee for affordable housing, there's basically a scale and I think the focus on Adobe being such a large office project. bigger projects may be able to withstand a little bit bigger blow to the budget, I'm not condoning the number shown on the screen necessarily. But I'm just curious if staff has considered or entertained, sort of a scale that that grows as projects grow. Just because a smaller project, there's just less room for error. So slight blip and underwriting won't won't help a project. I think commercial linkage fee, I think did a pretty good job of addressing that and could be a good example to, to look at.

1:09:13

Thank you. Yeah, yeah, I think we're very open minded to steps forward and finding that reasonable amount. You know, and what's the right fit for the market today? I think we're very open minded to that. And I, we do want to get there. And I am familiar with the scale housing uses for their commercial linkage fee. I have a strong desire to have something simpler and easier to understand. Helen's nodding emphatically

1:09:46

and

1:09:49

so I'm not sure how to do that. But yes, we're very open minded to that. And so once we had we do the feasibility study, so as I said, we're here to Eric's point, we're putting out numbers. But we're not saying well, what does that mean? So everybody's gonna be like, oh, yeah, that's a big number. But what does that mean? So now what do we do with this? And I can't make it, nobody can make any recommendations until we have that feasibility study. It doesn't make sense to do the feasibility study out of context with housing, because we need to look at them together. So more of this is. So it's, it's hard to facilitate conversations about that without that extra report. But it's good to hear what's important about this, and the messages going forward. You know,

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if that, I hope that makes sense. It's a tough conversation. Any other hands up?

1:11:00

People can always reach out to me, personally. And of course, it's a public meeting community and economic development community meeting, I'm expecting very similar comments and discussions during that meeting, as well. I hope you will participate in join that meeting. And I hope you will have others join as well. So with that being said, I am going to close this item out and move to in, take a break, and let Leo do some time.

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Back I think Jeanette had her hand up. Thank you, Jeanette.

1:11:41

Sorry, quick question. I mean, just to explore the idea, but you know, just the thought occurred to me, like if we did have, let's say, a new Starbucks come up, and you know, so one small building, what does that mean, in terms of a fee? Is there a possibility, or maybe the discussion of instituting a floor like it needs to reach a minimum square foot before we're imposing a fee? Or, you know, conversely, on the other hand, with Adobe, this is where it starts getting dicey is a ceiling, right? Where at least we know it can't go higher than that. I just think that those may be worth exploring, at least in the commercial context. I don't even know where I stand on it. I just I'd like to hear other thoughts.

1:12:31

So I think one part I heard you say that I want to repeat for the group is that if it's certain square footage or below, the fee wouldn't apply. So 3000 I'm making up a number don't hold my feet to the fire, retail businesses, 3000 feet or 3000 square feet or lower, are exempt from the fee businesses. And I think that's kind of how the commercial linkage fee for Affordable Housing Works. I'd have to revisit it.

1:13:02

But is that what you were trying to say? Okay, so

1:13:07

she's not Jeanette is nodding her head. So remember, we make transcripts of this so people can read it if they want to read it. So I'm just thank you, Jeanette.

1:13:18

Okay, last call on this topic. All right. Listen, Leo, take it away. Cool,

1:13:39

thank you, Rebekah. Can you one second,

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get things lined up. So good evening, taskforce

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members. For those who haven't met me yet. My name is Leo Tapia. I'm a planner to appear on ES. And I'm taking over this program that my colleague Zach had started. And I'm here to show you the new direction that we're taking this program based on feedback we receive from you staff, and members of the public. So throughout the presentation, you'll see images like the one on your screen, have examples of the types of pops that we envision under this revised program. As a refresher, and also an update of the new direction to the program. What is the parks so it pops or a privately owned

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park space is an outdoor recreational ground for public space that is privately owned and maintained and features public recreation amenities that are publicly accessible to residents from a public street year round.

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So the goals

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of the POPS program in a nutshell is to create publicly accessible recreation destinations, with an intentional emphasis on active amenities over passive amenities. The recreational intent of the program is designed to complement our current park system to help address gaps in the 10 Minute Walker rule campaign. Additionally, as will be discussed later, the program was developed to incentivize to the development of these types of spaces in all, in all housing projects, and provide flexibility to developers and designers to create unique recreational spaces. So the revised development standards again, were based on feedback that we not only received from you all, but also from conversations we had with the city of New York, and their pops program. I would note that the new direction of this program is unlike what other cities are doing, since most of their pops or posts, which are also known as privately owned public open spaces are geared more for passive uses. And again, the intent of our new program is to create active recreational destinations. So here on your screen is a summary of the revised development standards. So for starters, any pops would have to be a minimum of 2000 square feet in size, which is up from the previous size requirement of 1500. The pops would also need to be located on the ground floor and adjacent to a public street to increase visibility and access. And regarding access, the Pops would need to be open during standard park hours, which are from sunrise to one hour after sunset. And to ensure that the public is aware that these spaces are available to them, the Pops would need to provide entry signage indicating the right of the public to access the spaces. And to ensure consistent signage. Throughout pops a signage template will be developed by the department to share with applicants. Now some of the more bigger changes to the program, rather than prescribing the number of amenities that an applicant will need to provide. Instead, at least 75% of the space must be dedicated to active uses, or active amenities with the remainder for passive amenities. So what that means is that you could have a scenario where similar proposes a pops with 100% of the space allocated for active amenities, such as the basketball court, and that would be just fine. And I will go over the list of active and passive amenities in the next slide. But I want to touch upon these last items, so additionally to incentivize the development of pops and to allow developers to maximize the building footprint, building overhangs or cantilevers would be permitted over a POS as long as there is a vertical clearance of at least three storeys or 30 feet, whichever is greater, kind of like what's shown in the image on the right. And lastly, since these spaces would be recreation focused a water fountain we need to be provided along with trash and recycling receptacles. So just to reiterate, the intent of the program is to prioritize the development of active recreational spaces. So here's a list of several qualifying active amenities that we want to see in these types of spaces. These include playground equipment, hard or soft game courts, like basketball and pickleball. fitness equipment, gaming tables, like tennis, table tennis, excuse me, dog parks, interactive water features like splash pads, or participatory art elements. We also added language into the resolution that allows applicants to propose

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other recreational meanings that are not listed, but those must have a recreational intent and benefit and are subject to approval by peronists staff. And in case you've been following the images on the previous slides, those in the ones shown here are just more examples of what we would want to see in a potential pops. So as it relates to passive amenities, again, lots of the space will be allocated for these types of amenities. But we envision picnic areas, garden areas and recreational lounge areas filling out the remainder of that space. And again, similar to the active amenities, there will be language where we allow applicants to propose additional amenities that are not listed but that are subject to approval by staff. So similar to the previous iterations of this program, there would be two credits available for pops. The first credit would be for the total square footage of a qualifying pops area. And the second credit would be for a cost of improvement of the Pops. And the cost of improvement credit would be based on a standard cost per square foot for construction developed by staff. And that would be provided for the entire square footage in the qualifying pops area. And it should be noted that both credits will be capped at 50% of the maximum credit limit. So again, the intent here is to try to incentivize the development of these spaces. And in terms of items that would be ineligible from the program, private yards and commercial patios will not receive any credit. Additionally, the remaining items listed here would be prohibited within a pops. These include garage entrances, trash storage facilities, elevators, look areas and opaque fencing and barriers. Lastly, the image on the right is an example of a poor street interface that we just don't want to see in a pops. So this next slide, maybe a lot of information to digest, but I'm going to do my best to try to go line by line try to make it digestible for you all. But just to compare the existing credit program that we have right now with the proposed program, we selected the project at seven an empire Street in Japantown as an example, since since it's a recently completed mid density project that contain both interior and exterior private recreation amenities. So for starters, this sample hypothetical project assumes that the current fee schedule is the same and the only change is switching out the private recreation credit with the Pops credit. So for background the project at seven can Empire contain 97 market rate units with 15,235 square feet of amenities.

1:21:00

So moving over to the table.

1:21:04

The first item I will go over is the existing program column. So for context, per the park the current Parkland dedication and impact ordinance, residential projects are required to dedicate the equivalent of three acres of parkland for every 1000 new residents are paid equivalent fee. So based on the 97 units that were provided, and an estimated unit occupancy that was established in the current fee schedule, for multifamily housing, the required Parkland for this project was point 681 acres. And based on the current fee per unit for multifamily in the downtown area, if that obligation was converted to an in lieu fee, the fee would be a little over 2.1 million. So now looking at the private recreation, credit amenities, again, this project provided lit over 15,000 square feet, of which 56 roughly 60 5600 were interior and the other 9500 were exterior, the value of that square footage was little over 1 million in credit, and that square footage is essentially satisfying a portion of the Parkland dedication, acreage. So once all credits were added up for this project, which in this case was just a private recreation credit,

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we have a total of a little over 1 million in credits. And I would note that the 50% cap on this project was reached, which is why a lot of the numbers shown there are similar. But in the end, the city received a net Park fee of a little over a million dollars for this projects. Now we take the same project and run it under the current or excuse me to propose program, there is some notable changes, but for the most part, you'll see at the end, we come out to the same

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same result.

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So in the first three rows, they're essentially the same. And then again, since we're only looking in the new program at exterior ground floor spaces, if we pull out the 9500 square feet that this project provided, since those were exterior spaces and applied to the current program, based on the two pots credits, this first credit would excuse me, the first pops credit would be for the entire square footage of the space, which comes out to roughly a little over \$700,000. And a second credit for the improvement costs would be 1.5 million.

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And

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that cost of development the \$160 was developed with based on a recent playground renovation at Mayfair Park. So again, this is a floating number that we're working with right now just to get a general sense of what that would look like and also to try to incentivize. But that's essentially where that number originates from. So sorry, let me just catch up, see where I was.

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So the total

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again, the total credits under the current pops program would be a little over 2.2 million. And while that may be an initial sticker shock, the built in 50% cap would essentially mitigate a lot of that potential credit and essentially create an adjusted improvement credit of 390,000 which is essentially the difference between the cap and the initial \$700,000 credit for the parks itself square footage of the Pops itself. So like I mentioned earlier, the total net Parkland fee that the city will receive will be a little over 1 million, which is exactly the same as same as it is under the current program with the main difference gain at the Pops would in theory be designer under the new development standards and become recreation destinations.

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So as a reminder, there

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are two additional credits that a project can receive to lower their Parkland fee. The first is an existing Housing Credit, which is a credit for an existing housing units that will get demolished or retained. And a second is an affordable housing credit that provides a 50% per unit credit for projects that provide on site affordable housing. Now we'll just quickly look at another sample project and see how those additional credits affect the net fee that we would receive. So in this scenario, we tweaked the original project at seven an empire and assume that they were providing the minimum of 15% affordable housing units per the inclusionary housing ordinance, which in this case was fixing units, and assuming that they only provided a Pop's square footage of 2000 square feet. So again, assuming the square footage, excuse me, assuming that the current fee schedule is the same, and the only change is switching out the private recreation credit with the Pops credit, after applying the Affordable Housing Credit for the 15 units, the applicable private Recreation and Parks credits, we see that in the current program that exists today, we receive a net Park fee of 1.8 million with over 1.8 million, while under the new pops program, that fee would go down to a net net of 1.5 million. And again, the main difference here is that the 2000 square feet pops would in theory be designed per the new development standards versus the existing program, which tends to create more interior spaces, and fewer outdoor amenities than we normally see. So in terms of next steps, the goal is to have the taskforce review that draft resolution language that Rebekah sent out and provide any feedback to me by December 15. If you have any questions or comments or didn't receive the draft resolution language, please contact me. That concludes my presentation. But we do have some time for q&a and discussion on this topic. Ah,

1:26:56

well, then, well, then, I want to read out the chat and then I will let you facilitate the conversation. But just so you know, what the what was in the chat?

1:27:08

Okay, so

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seems like we missed a lot of chat conversations. So maybe, Jeff, would you like me to start?

1:27:21

Over? Well, can

1:27:24

you take notes of everything that's in the chat for future reference, because we missed that as part of the commercial independent, but that's okay. Just can you take notes or screenshots, please, so that we make sure we capture those comments. But regarding the Pops presentation

1:27:45

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everything's okay.

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Excuse me. Um, there's a sense that 75% dedicated to active is seems like a lot. Bob is asking what the performance areas be considered passive or active. And Janette is asking for the water fountain requirement, does that unnecessarily increase the cost to install plumbing? Do we really want to require a water fountain for every pops? Peters asked Peter saying or asking state three stories or 30 feet shouldn't be whichever is greater. Crochet saying I like rejection that the prescriptive rules that we use to insist upon this will give us a much more diverse set of designs. 75% is too high for active use, giving him mobility limitations in many park users having a balance of 50% seems more appropriate. Peters asking if seventh an empire has 75% active The answer is no theater. But it's obviously not under the current regulations. It's an or the proposed regulations. It's under current which allows everything they have but they have gone way above and there's probably an argument about the active space there that can be made. Because it's if you haven't gone go it's cool. It's in a great space, and Rudy's asking what defies active.

1:29:17

See, I mean, these are all great comments. And that's something that I think we were struggling initially, in terms of, I guess how to create these spaces. Like I mentioned earlier, this is unlike what other cities are doing a lot of them a lot of the other cities that we've seen, I think many of you have mentioned like in San Francisco with their pose. And in speaking with the city of New York, a lot of those tend to be more passive based and a lot of them tend to be more supportive of commercial uses. So you get a lot that adjoin you know, restaurants, coffee establishments. So there is that inherent, I guess that inherent it seems to be a blurred line in terms of this being really a publicly accessible recreation destination. As opposed to be more of a supporting commercial space. So that's kind of where we landed on that 75% requirement and was essentially trying to get it to a point where it does feel more like a park like environment as opposed to something that someone may think it's part of a coffee shop coffee shop or something, or essentially giving people a wrong sense that they're not welcomed in that space. So the idea being, if they see a playground or a basketball court, or something similar of active uses, you know, you'd be more inclined to access those spaces. But I totally agree with what everyone's saying. I guess the intent of this discussion was to really hear back from all of you get that feedback and see, you know, how we can improve this, you know, what works, what doesn't. And regarding that point about the vertical clearance, that was something else that I think I was struggling with just more so trying to credit, I guess, try to create more incentives for this type of development, because we also don't want to create a scenario where if we have like an open sky requirement, so that potential project now loses that developable footprint. So maybe we won't even see this project come forward. So it's more a matter of us trying to balance and compromise, try to get the more of the spaces specifically, again, leaning more towards, I think, affordable housing projects, I think it's a lot harder for them, it's to try to create these spaces, but open to suggestions, comments. But I generally agree with what people are saying in the chat.

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Or share houses

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this really quickly, kudos to you within Zach before you for discharging the old prescriptive rules. This will make for much more variable designs, which makes for a better city living site. You know, I know, it's harder on you guys to defend the program, if you don't have strict rules that you have to have a barbecue and you have to have this or that. But I think you're gonna get much better parks out of this, and the city will be much better served. So thanks for taking on the harder road. But I think that's the right way to go. So thank

1:31:57

you. Thank you, Chris.

1:32:04

Yeah, thank you very much. I think you're definitely moving in the right direction on this. I really like the incorporation of the act of activity requirements. 50%, or 75%, maybe a little high. And we'll have to figure that out. But I really like it and be included. That wasn't included. Last time we heard this question concerning your numbers. I think the numbers you were using were primarily based on our old the city's use of the Quimby Act and how the Quinnipiac is utilized within the city. And I think we're getting, you know, potentially moving away from the Quimby Act and going into the development fee act exactly sure the name of it, but the development fee Act, which incorporates both the cost of the improvements as well as the cost of land where Kubiak just looked at the cost of the land. So I'm not sure if our numbers you presented were sort of apples to apples, because we're not. We're sort of in that transition period. And it's either, no, no, you're you have a challenging time doing that, because of where we are and where we're going. But it would be nice to see the sort of how the numbers really going to play out based on the transition from, you know, implement using one app rather than the other. Yeah, agree, Bob.

1:33:20

I know Rebekah shared that same comment earlier, actually, today. And I think at this point, it was just more to show, I guess, the change that this program would create, if we were just assuming nothing else changed. Just to show you how that net part fee that we currently receive, how would change if we just for example, just changing up to a POS program?

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Yeah, but I was very happy reading that document today. I think you're really going in the right direction.

1:33:43

Thank you. Nuts.

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Helen says in the chat that she likes the direction this is going as well.

1:34:02

And Jeanette just raised her hand.

1:34:04

I think I was perhaps a little bit confused in the first example and how it relates to the 50%. Cap. It seems like what they actually would have expanded for a Pop's way exceeded the cap. Is that correct?

1:34:19

Yeah, that I was afraid that they may that may be a little confusing. So essentially, I think, Jeanette, you're talking about the slide here. Yes. So you're right, that initially it does appear that the cap, or that the credit would exceed the cap. But we have to take into account that that cap is there to prevent this from happening. So essentially, that cap would prevent the credit from going anything above 50%. So that's why the second and last row where it says the adjusted Pop's credit, essentially taking into account that we're taking the difference between the cap which in this case was 1,096,000, roughly subtracting it from the first credit of Just under 6000. So essentially, that would amount to the 390,000. You see there.

1:35:07

So I think this just, I mean, we made some previous comments. And I know I've commented This on this in previous meetings. But this is this is kind of where my concern is on having a 50% cap, especially for a pops where the developer or the owner is taking ownership of the project and future maintenance, I think that the value that we received far exceeds 50%, because we essentially just removed that entire property from our maintenance backlog

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forever. For as long as that is a park.

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And I think that's a huge value. And there's a huge cost to that. And if you a lot of cost savings, that the city is now benefiting from the iOS actually would love to see that that cap for pops be a lot higher. And if we did continue with private indoor amenities, that that would be a lower percentage, so therefore we're incentivizing the pops over like them building a private pool or barbecue area just for the residents. Thank you, Jenna.

1:36:15

Yeah, the idea with this program is that we would move away from providing credit for interior spaces. But I will definitely take into account the 50%. Cap, and if there's ways to increase that or provide more incentives.

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Peter Sorry, I'm just sending Bob a smiley.

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I keep muting myself. Apologies. I was trying to text or send Bob a smiley face back because he texted, chatted me and said, I knew you were gonna say that. But I do. I'm not sure if this is part of the conversation tonight. But I do still feel really strongly that the city should not be doing away with private credits in its entirety, in in replacement of with the public, the Pops. So that's off the top of the table tonight. That's fine, but I'm just mentioning it. Otherwise, I I really thought your presentation was excellent. By the way, I thought it did a really good job Leo. And the data was presented very clearly. And just the way you got the numbers and everything. So thank you for making it very easy for us to digest. So I had another point. And then I got sidetracked because I couldn't figure out my mute button. So I'll come back if it comes to me. But otherwise,

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thank you. Thank you.

1:37:43

Yeah, ya think Thanks, Leo, for putting that together. Good job helpful to put some context here. I just wanted to reiterate Peters point of understanding if this is in addition to the private recreations, or if this would eliminate it in its entirety. And I think the concern is not all projects are the same thinking about dense projects, specifically in downtown areas, they wouldn't have the same ability to provide a pops. So I think, again, I think Rebekah brings up a good point. Simplicity is key when it comes to fee structures. But that needs to be weighed in to some degree. So I just want to reiterate that.

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Thank you, Caleb. And yeah, just

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to reiterate, this would replace all interior credits. So going, assuming this is adopted going forward, no more credit for interior space, since it would only be two reports.

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Right. So just to be clear, P there were real staff recommendation in the staff recommendation would be no more credits for interior. But the council can weigh that and discuss that. So because we're not the decision makers, but we would make and I would make sure that it's very clear that members of the taskforce strongly oppose eliminating credits for interior spaces.

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And you'll have your letter where you can state that

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just oh, sorry, I'm speaking without being called on the other thing I was going to clarify, Leo on my comment regarding the height, the three stories versus 30 feet, I definitely think it's good to have that over. You know, so you don't lose that additional square footage. But depending on how you word that it could, it could make it challenging for depending on the type of development to because if you really did say three storeys or 30 feet, whichever is higher, you know, like at the Adobe project and our first two floors are are very tall so so if you went to three three storeys would actually be could could theoretically be a lot higher. And then if you were a smaller project, it wouldn't. That would be that would be problem problematic. So I think you could probably do it either or so if you Did it just three storeys or 30 feet? That seems like a pretty safe place to be, as opposed to saying whichever is greater.

1:40:08

Okay. Thanks, Chris. Peter, sorry. Do you have your handle again? Any additional comments? Okay,

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well, thank you. So again, Rebekah sent out the draft resolution language, if you can provide any feedback, that would be great. And then we'll definitely take all this information to account as we continue to develop this program.

1:40:43

So I think Rebekah can turn it back to you. Thank you,

1:40:47

Leo. So this is really take into account the comments that we received tonight. And then any comments that we received by December 15. But this is the program that we are going to propose to the public and to the Parks and Rec commission, and as part of our fee study, so I'm making last call on comments on pops and private rec programs. So that I can move that piece forward and focus on dissecting the fee study so that we can move that forward at the same time. So please, please, please give me your comments By December 15. Or sooner, because the sooner the better. Helen,

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I was just gonna say, you know, what you've done is taken into the all the feedback from the committee. So I appreciate that. Because I think, you know, that's the most important part. And I was nodding my head on the interior, you're making it accessible, you're making it available, you're making it transparent. That is critical. Thank you. Thank you.

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So just real quick, going back to the comment that I wrote in the chat regarding the water fountains, is there a thought process behind that, you know, requiring a water fountain and each and every single pops?

1:42:04

Yeah, so that kind of originated from our conversations with the city of New York, that's something that they include as part of theirs. So we were kind of using theirs as kind of an example. And again, just putting it out here for the group of you all thought that was worth it. Again, the intent with these spaces is that hopefully, they would be more recreation focus, so there would be more of a need for drinking water. And hopefully, that cost of improvement credit, assuming it's a brand new development, they could factor in that additional, again, no hope is that they could factor in that additional plumbing or requirements that would be associated with a water fountain.

1:42:39

Yeah, I'm just I'm wary of prescriptive requirements, right, you know, because not every single public park, even you know, just in general has a water fountain. And now to require it for the Pops. It seems it for me, it stands out as kind of one of those requirements. It has to have this I don't know why we but we got to install it.

1:43:10

Thank you. Bob.

1:43:18

Yeah, I apologize for being so verbose tonight. I tend to agree with Peter that there could be an opportunity for a limited amount of credits for private open space. If there's somebody they have tennis courts, or swimming pools and things of that nature, you know, maybe 25% or 20 percentage, definitely not be at the 50% level. The other thing is that you there was a lot of discussion on everything being at grade, there's a city have any thoughts on rooftop facilities in the future, or anything that's not a grant, and you're talking about things that are both below grade and above grade? Of not qualifying that I'm just curious if there's an opportunity for things that are above grade, at least again, on a limited basis, you know, 10 20% credit for a rooftop facility. No,

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you wherever I'm pretty firm on that has to be ground level and accessible at the ground level. Sure, we never the city's studied, we you know, San Francisco has a pops program or a public program or whatever. I don't know what they call it. But same thing different acronym, right? So but if you go to San Francisco, and you go to some of these places, then they're not accessible. They're not truly accessible to the public. And they're hard to get to and you have to know they're there. And then there's a feeling of entitlement and you know, if you're a member of the public that you're not really welcome. And so, I mean, I can go on and on about it, but I

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think you've made valid very valid point. But we could have a we could build above a parking lot. That's that grade, right?

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I think that great, yes. Okay, thank you

1:45:13

and then Rudy put in the chat that that he agrees that they're, you know, they're not at street level or grade level they're somewhat private clubs. You can go and explore San Francisco's manual on their propose and their pops or whatever you want to call whatever their academics, you can find that online and you can go visit them all yourself and so if you wanted to go to San Francisco and in and investigate their spaces, they have some really awesome was and they have some ones that are really not successful. So

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it's a valid it's a valid day in San Francisco to help inform San Jose so we can be their pants off eventually. Um,

1:46:07

okay, so we obviously don't have time tonight to go into the policies that are related but aren't part of the the fee study schedule tonight. So what I think I'll do is I all I did was I went to the transcript and I pulled out all the notes and just tried to pull out the more factual statements instead of everything and just try to align it on PowerPoint slide. So I can send that to people and you can comment on it and make sure that I captured it all it feels

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feels like it's not lengthy enough at this time. So

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I obviously can't speak to you what you're not looking at so just send me your thoughts once I send it out to you for your comment. And then we can always add things there's there's no there's not a cut off. The cut off will be in January I have to cut things off in January so I can move things forward and share it with the public and share it with the decision makers and influencers. So up until January we got time for you to continue your

1:47:10

contributions

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All right, we can leave in nine minutes early if there's no uh no additional comments okay Leo, pull up my first slide so because

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I want to say

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Happy Thanksgiving everyone have a happy Thanksgiving. I look forward to thank you and have I look forward to seeing you in December and then I'll send a message offline about maybe in person informal meet up so that we can finally meet in person. Last Last slide. Record there's

1:47:50

two comments in the chat is from Helen Chapman if Peter were here he would bring up the equity concern and then crochet broken record but no active space at great that facilitate multiple places of businesses can be inclusive and great spaces. The corner at Willow Glen and Lincoln is a great space that feels public. Alright, it's in the record. Okay. Thank you, everyone. Thank you. Thank you. Thank you. Thank you. Wonderful holiday.

1:48:27

Happy holiday. There we go. Happy holidays.